

1 UNITED STATES DISTRICT COURT  
2 SOUTHERN DISTRICT OF NEW YORK

3 -----X  
4 ADRIAN SCHOOLCRAFT,

5 Plaintiff,

Case No:

6 - against -

10 CV 06005

7  
8 THE CITY OF NEW YORK, ET AL.,

9 Defendants.  
10 -----X

11 111 Broadway  
12 New York, New York

13 May 14, 2014

14 10:24 a.m.

15  
16 DEPOSITION OF JESSICA MARQUEZ, pursuant to  
17 Notice, taken at the above place, date and  
18 time, before DENISE ZIVKU, a Notary Public  
19 within and for the State of New York.  
20  
21  
22  
23  
24  
25

1 JESSICA MARQUEZ

2 MR. LEE: Thank you.

3 MR. SMITH: I think this is so  
4 much clearer than the copies that I  
5 have. Can we just go make copies for  
6 everybody?

7 MR. RADOMISLI: I think we could  
8 do that later. I think it's pretty  
9 clear. I would like to just get this  
10 done. You're going to have her read it  
11 out loud anyway.

12 MR. SMITH: The text, yes, for  
13 sure I will have her read out the text,  
14 because there's all these markings and  
15 checks and...

16 MR. RADOMISLI: Let's just  
17 conduct the deposition. We have  
18 previously sent you of copies of the  
19 chart. I will make you another copy if  
20 you want later.

21 MR. SMITH: Okay, all right. We  
22 will make a copy during the break,  
23 okay.

24 Q. All right, do you have in front  
25 of you the original Jamaica Hospital PCR

1 JESSICA MARQUEZ

2 form for Adrian Schoolcraft?

3 MR. RADOMISLI: The one that's  
4 contained in the chart?

5 MR. SMITH: Yeah.

6 A. Yes.

7 Q. What is this document?

8 A. This is the patient care report,  
9 which contains patient personal information  
10 and your medical findings.

11 Q. And where does this form come  
12 from?

13 A. Comes from what? What do you  
14 mean? Like who supplies it to me?

15 Q. Yes, who supplies this document?

16 A. Oh, Jamaica Hospital does.

17 Q. And is this a document that you  
18 are required to fill out as part of your  
19 duties as an EMT at Jamaica Hospital?

20 A. Yes, it is.

21 Q. Why is this document created?

22 A. It's created to generate reports  
23 as to what you responded to and for the  
24 hospital.

25 Q. No, I understand that. I

1 JESSICA MARQUEZ

2 understand the information. What's the  
3 underlying reason for creating this report?

4 A. To document your medical  
5 findings.

6 Q. Does this document get  
7 transmitted to anybody?

8 A. Yes, it does. To the fire  
9 department.

10 Q. Why is it sent to the fire  
11 department?

12 A. Cause the fire department of New  
13 York runs the EMS system.

14 Q. So why is it sent to the fire  
15 department?

16 MR. RADOMISLI: She just  
17 answered that.

18 Q. Can you explain that answer to  
19 me a little bit more?

20 A. The fire department has to  
21 document and have on record all paperwork  
22 generated for every job that you respond to.

23 Q. Is the copy of this PCR provided  
24 to anybody else?

25 A. I don't know that.

1 JESSICA MARQUEZ

2 Q. Is a copy of the PCR provided to  
3 anybody else at Jamaica Hospital?

4 A. I know the hospital has either a  
5 copy or this copy of the form attached to  
6 the patient's folder. The patient's medical  
7 record.

8 Q. Does this PCR constitute a part  
9 of the patient chart?

10 MR. RADOMISLI: Objection. You  
11 could answer.

12 A. I believe so.

13 Q. And is this a document that's  
14 used by the hospital personnel to make  
15 decisions about the patient?

16 MR. RADOMISLI: Objection. You  
17 could you answer.

18 A. I don't know that.

19 Q. Well, is it important when  
20 filling out this PCR to be accurate?

21 A. You document your findings and  
22 what the patient tells you.

23 Q. So you agree with me that it's  
24 important that this form be filled out  
25 accurately, right?

1 JESSICA MARQUEZ

2 A. Correct.

3 Q. And it's important because the  
4 information in here may be pertinent to use  
5 in subsequent medical decisions; isn't that  
6 right?

7 MR. RADOMISLI: Objection. You  
8 could answer.

9 A. This document is not used to  
10 diagnose a patient. This document is used,  
11 as to my opinion and what the patient tells  
12 me. A doctor -- I don't think a doctor is  
13 going to treat a patient because of what I  
14 said. I am not -- he is of higher medical  
15 authority than I. I only write what the  
16 patient tells me their symptoms and that's  
17 it, so.

18 Q. Thank you. I am just asking you  
19 questions. I am not trying to suggest  
20 anything, but I don't know -- well, I might  
21 be suggesting something later, but right now  
22 I am just trying to find out what your  
23 understanding is about why this document is  
24 created and for what purposes it is. That's  
25 what I am trying to get at.

1 JESSICA MARQUEZ

2 A. Understood.

3 Q. You believe that if any Jamaica  
4 Hospital doctor gets this information  
5 they're going to do their own independent  
6 assessment about the patient; is that  
7 correct?

8 A. That's correct.

9 Q. Did you fill out this entire  
10 document yourself?

11 A. Yes.

12 Q. Is there any handwriting on this  
13 document that's not yours?

14 A. No, this is all my handwriting  
15 besides the receiving nurse signature.  
16 That's not mine, but everything else on this  
17 document is mine.

18 Q. Okay. On the top of this  
19 document says agency name and then there's  
20 some scribbling over the word j-a-m. What is  
21 that?

22 A. The scribbling over it?

23 Q. Yes.

24 A. I don't know.

25 Q. Whose handwriting is that?

1 JESSICA MARQUEZ

2 A. I couldn't tell you.

3 Q. Is it yours?

4 A. I don't recall if I wrote that.  
5 This is a carbon, so anything that you write  
6 on top of this with another sheet will  
7 transfer over. So I can't tell if I wrote  
8 that. I know I wrote Jamaica Hospital  
9 Medical Center, but those numbers on top, I  
10 couldn't tell you.

11 MR. RADOMISLI: The numbers near  
12 the box agency name, that's what he's  
13 referring to.

14 A. Is that where you're referring  
15 to?

16 Q. Yes.

17 A. These -- 2, 3, 9, 1, 1?

18 Q. So you have in front of you the  
19 carbon copy. Do you know where the original  
20 is?

21 MR. LEE: Objection to the form.

22 A. I don't know.

23 Q. Is the original sent to the fire  
24 department?

25 A. That's possible.



1                                   [!WITNESS NAME]

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Q.           This is a summary of your  
interview at the Queens DA's office, right?

A.           That's correct.

Q.           And do you recall going to the  
Queens DA's office?

A.           Yes.

Q.           You went there with -- you had  
counsel with you, a person by the name of  
Thomas Mofilia; is that correct?

A.           That's correct.

Q.           Was that your own personal  
counsel or was that supplied to you by your  
job?

A.           By my job.

Q.           This was a Jamaica Hospital  
supplied attorney?

A.           Yes.

Q.           You met with this individual by  
the name of Bureau Chief Leander; is that  
right?

A.           Yes.

1                                   [!WITNESS NAME]

2                   Q.           And you also met with Sergeant  
3       Scott from the IAB Unit of the police  
4       department; is that right?

5                   A.           That's correct.

6                   Q.           How long did this interview  
7       last?

8                   A.           I don't recall.

9                   Q.           Do you know if it was recorded  
10      in any fashion?

11                  A.           I don't remember.

12                  Q.           Were you sworn to tell the  
13      truth, like you were sworn to tell the truth  
14      this morning?

15                  A.           I don't remember if I was.

16                  Q.           To the best your ability, did  
17      the answers to the question that you  
18      provided, were those true?

19                  A.           Yes.

20                  Q.           On the last page of this  
21      document, actually, it's the bottom of page  
22      2 going on to page 3, there is a statement  
23      that says that EMT Marquez clarified that  
24      Police Officer Schoolcraft did go into the  
25      ambulance when he left voluntarily the first

1                                   [!WITNESS NAME]

2       time.    She acknowledged that the wording on  
3       the PCR wasn't correct and maintained that  
4       he was inside of the ambulance.   You see  
5       that?

6           A.       Yes.

7           Q.       So that was one of the errors  
8       that you mentioned earlier; is that right?

9                   MR. RADOMISLI:   Objection to the  
10       form.

11          Q.       Let me just clarify that.   What  
12       in the PCR, which you have in front of you,  
13       was incorrect?

14          A.       My PCR, I stated that the  
15       patient walked away even before --

16                   MR. RADOMISLI:   Read it.

17          A.       Before patient was detained,  
18       patient walked down with 50 Eddie three and  
19       NYPD.   As patient approached bus he turned  
20       around and stated he did not need help and  
21       walked way.   Patient was then detained and  
22       transport resumed.   Patient is an officer  
23       with the 81st Precinct.

24          Q.       So is there something in the  
25       portion of the PCR that you just read into

1                               [!WITNESS NAME]

2       the record that was incorrect?

3               A.           That's correct.

4               Q.           What was the error?

5                       MR. RADOMISLI:   Just read the  
6               portion that was incorrect.

7               A.           As patient approached the bus he  
8       turned and stated he did not need help and  
9       walked away.

10              Q.           How was that incorrect?

11              A.           Because the patient actually  
12       walked in my ambulance with me, sat down on  
13       the stretcher and let me reevaluate him and  
14       then when he was told that he was not going  
15       to go to Forest Hills Hospital, that is when  
16       he stated he did not need our services. He  
17       stood up and walked out of the ambulance and  
18       walked back to his residence.

19              Q.           And you saw him walk out of the  
20       ambulance?

21              A.           Yes.

22              Q.           And the correction that you want  
23       to make here is that the portion that you  
24       just read suggests that he never got inside  
25       the ambulance; is that correct?

1                               [!WITNESS NAME]

2               A.           That is correct.

3               Q.           Further along in that paragraph  
4           that I was just reading from says: EMT  
5           Marquez denied speaking to anyone in regards  
6           to Police Officer Schoolcraft being -- it  
7           says and, but it means an EDP, I think, when  
8           they arrived at Jamaica Hospital, are you  
9           with me?

10           A.           No, I'm not. Going back to the  
11           top paragraph?

12           Q.           No, we're on the third page of  
13           Exhibit 124 there is a thing that says: EMT  
14           Marquez disclosed that she gave the triage  
15           nurse at Jamaica Hospital her medical  
16           findings. Do you see that?

17                       MR. RADOMISLI: Where are you  
18           now?

19                       MR. SMITH: I am trying to draw  
20           her attention to the sentence that says  
21           EMT Marquez disclosed that she gave the  
22           triage nurse at Jamaica Hospital her  
23           medical findings.

24                       MR. RADOMISLI: Show me where  
25           you're reading from.

1                               [!WITNESS NAME]

2                               MR. SMITH:    EMT Marquez

3                               disclosed.

4                               A.            Yes.

5                               Q.            That's where I'm at right now.

6                               Do you see that portion?

7                               A.            Okay.

8                               Q.            So you told the Queens DA that  
9                               you gave the triage nurse your medical  
10                              findings; is that right?

11                             A.            That's correct.

12                             Q.            And was that correct that you  
13                             gave the triage nurse your medical findings?

14                             A.            Yes, I did.

15                             Q.            What were the medical findings  
16                             that you gave her?

17                             A.            I told her that the patient was  
18                             in a hypertension crisis.

19                             Q.            Did you tell her anything else?

20                             A.            Yes, and I stated that patient  
21                             stated he had abdominal pain and that he  
22                             felt dizzy and I also told her that he drank  
23                             Nyquil because he said he wanted to sleep.

24                             Q.            Did you tell her anything else?

25                             A.            No, I did not.

1                   [!WITNESS NAME]

2           Q.       Do you know the name of the  
3       triage nurse that you spoke to about  
4       Schoolcraft?

5           A.       No, I don't.

6           Q.       Can you describe her to me?

7           A.       I can't do that.

8           Q.       Male, female?

9           A.       I don't remember.

10          Q.       The sentence goes on to say:  
11       Semi colon that police officer is agitated  
12       and that she wasn't sure why he was  
13       exhibiting signs of hypertension. Is that  
14       also information that you told the Queens DA  
15       that you told the triage nurse?

16          A.       Yes.

17          Q.       Did you, in fact, tell the  
18       triage nurse that Schoolcraft was agitated?

19          A.       That's correct.

20          Q.       Did you tell her that you  
21       weren't sure why he was exhibiting signs of  
22       hypertension?

23          A.       The reason I said that was  
24       because patient stated he had no medical  
25       history. I explained to her he was in a



1                                   [!WITNESS NAME]

2       hypertension crisis and to what ideology I  
3       had no idea, because he had stated he had no  
4       hypertension history. So it had to do with  
5       either him being agitated or what was going  
6       on possibly elevated his blood pressure to  
7       that extent.

8               Q.           The next sentence says: EMT  
9       Marquez stated that Lieutenant Broschart  
10      filled in the blanks as she left. You see  
11      that?

12             A.           Yes.

13             Q.           This is what you told the Queens  
14      DA?

15             A.           After I told the triage nurse  
16      what was going on. He then began to speak  
17      to the triage nurse. What did he say, I  
18      don't know.

19             Q.           Let me just clarify something  
20      here for a second. Did you tell the Queens  
21      DA that a Lieutenant Broschart filled in the  
22      blanks as you left?

23             A.           I didn't -- I don't know if  
24      those are my exact words that he filled in  
25      the blanks, but I did say whoever rode with



1                                   [!WITNESS NAME]

2       me on the ambulance was the one who told the  
3       nurse what was going on after I gave her my  
4       medical report on the patient.

5               Q.           I see.   Who is Lieutenant  
6       Broschart?

7               A.           As far as names I did not give  
8       any names, because I don't even know the  
9       names of any officer, lieutenant, captain,  
10      chief, whoever was on scene with us.

11              Q.           When you were talking to the  
12      triage nurse --

13              A.           Yes.

14              Q.           -- you were giving her your  
15      medical findings, right?

16              A.           Correct.

17              Q.           And there was also a police  
18      officer or member of the PD standing there  
19      with you, correct?

20              A.           Correct.   That's correct.

21              Q.           And the three of you were  
22      talking, is that what you're saying is that  
23      the triage nurse and you and some member of  
24      the police department were standing  
25      providing information to the triage nurse?

1                                   [!WITNESS NAME]

2                           MR. RADOMISLI:   Objection to the  
3                   form.

4           A.           That's not what I'm saying.  
5   What I'm saying is after I gave my report,  
6   yes, this other member of PD was standing  
7   there while I was giving the report.  
8   Because the patient, at this point, is now  
9   handcuffed, so someone has to be with him  
10   and he was, this other person who was  
11   watching the patient.

12           Q.           When it says here EMT Marquez  
13   stated that Lieutenant Broschart filled in  
14   the blanks as she left, what blanks was he  
15   filling in?

16                   MR. RADOMISLI:   Objection to the  
17                   form.

18           A.           I don't know what filled in the  
19   blanks means.   What I was trying to state  
20   was once I gave my report, the officer who  
21   was with us was now telling the triage nurse  
22   what was going on as far as the patient  
23   being agitated and that they want him to  
24   have a psyche eval.

25           Q.           Whoever this cop was that was

1                                   [!WITNESS NAME]

2       with you was also providing information to  
3       the triage nurse?

4           A.       That is correct.

5           Q.       That information, as you recall  
6       it, was that he wanted the patient to be  
7       evaluated psychologically; is that correct?

8           A.       That is correct.

9           Q.       Did any of the police officers'  
10      information get put into the PCR that you  
11      prepared?

12                   MR. LEE:  Objection to the form.

13          A.       Yes, I see that.

14          Q.       What information?

15          A.       The captain's name.

16          Q.       In the narrative section of the  
17      PCR it says among other things, upon entry  
18      of ESU, NYPD 50 E 3 and C 513 patient was  
19      agitated and resistant.  Do you see that?

20          A.       Yes, I do.

21          Q.       Did lieutenant Broschart or  
22      somebody from the NYPD provide the  
23      information about the patient being agitated  
24      and resistant or was that information that  
25      you observed with your own eyes?

1                               [!WITNESS NAME]

2               A.           Captain never provided any  
3 information to me.

4                       MR. RADOMISLI:   Just answer his  
5 question.

6               A.           Yeah, he was agitated upon  
7 coming back to the ambulance the second  
8 time.

9               Q.           So the answer to my question is  
10 that the lieutenant or anybody else from  
11 NYPD, they didn't provide any of the  
12 information that's set forth in this  
13 narrative; is that correct?

14              A.           That's correct.

15              Q.           Okay.   Going back to the first  
16 page of the PCR, underneath the name and  
17 address information -- well, next to the  
18 name and address information, there is a  
19 assessment of the patient's weight, how did  
20 you make that determination that he weighed  
21 150 pounds?

22                       MS. PUBLICKER METTHAM:  
23                       Objection.

24              Q.           Two hundred and fifty pounds?

25              A.           He told me he weighed 250

1 JESSICA MARQUEZ

2 blood pressure is elevated.

3 Q. What does the 160 number mean,  
4 what does that refer to?

5 A. The 160 tells me that the  
6 patient's heart is overexerted because it's  
7 meeting at 160 systolically.

8 Q. What does the 120 mean?

9 A. What the artery is now at rest  
10 after the blood has rushed out of the heart.

11 Q. Do I understand this form to  
12 also say that at 9:55 you took Schoolcraft's  
13 blood pressure and vital signs, as well?

14 A. Yes, I did.

15 Q. Where did that take place?

16 A. In the ambulance at this point.

17 Q. How many times was Schoolcraft  
18 in the ambulance?

19 A. Twice.

20 Q. Did you take his blood pressure  
21 the first time he was in the ambulance, as  
22 indicated in this form, or the second time?

23 A. The first time.

24 Q. And did you take that blood  
25 pressure reading at 10:55 -- I'm sorry,

1 JESSICA MARQUEZ

2 9:55?

3 A. Yes.

4 Q. Is that your handwriting on  
5 there on the line 21:55?

6 A. Yes, it is.

7 Q. Did you make that entry in the  
8 corresponding entry at 21:55 or did you  
9 enter that information at sometime after  
10 21:55?

11 A. That information was inputted  
12 inside the ambulance.

13 Q. And the information above that  
14 was taken at 21:45, was that information  
15 about the time and the numbers recorded on  
16 this PCR at the time that the blood pressure  
17 and other vital readings were being taken or  
18 sometime after the readings were taken?

19 A. I don't remember when I put this  
20 initial vital sign.

21 Q. Did you have -- was this initial  
22 vital taken of Schoolcraft in the apartment?

23 A. Yes, it was.

24 Q. Did you have the PCR form, the  
25 original, with you in the apartment?